

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

BUREAU OF AIR

DIVISION of AIR POLLUTION CONTROL

PERMIT SECTION

**PROJECT SUMMARY for the
DRAFT CLEAN AIR ACT PERMIT PROGRAM (CAAPP) PERMIT**

Bridgeview Aerosol, LLC
8407 South 77th Avenue
Bridgeview, Illinois 60455

Illinois EPA ID Number: 031027AAX

Application Number: 96030192

Application Type: Renewal Permit

Start of Public Comment Period: 09/27/2006

Close of Public Comment Period: 10/27/2006

Permit Engineer/Technical Contact: Ross Cooper, 217/782-2113

Community Relations/Comments Contact: Brad Frost, 217/782-7027

(This Project Summary generally describes the source and explains the draft permit. This document has been prepared pursuant to Section 39.5(8)(b) of the Illinois Environmental Protection Act, which requires "a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions.")

I. INTRODUCTION

This source has applied for a renewal of the Clean Air Act Permit Program (CAAPP) operating permit. The CAAPP is the program established in Illinois for operating permits for significant stationary sources as required by Title V of the federal Clean Air Act and Section 39.5 of Illinois' Environmental Protection Act. The conditions in a CAAPP permit are enforceable by the Illinois Environmental Protection Agency (Illinois EPA), the USEPA, and the public. This document is for informational purposes only and does not shield the Permittee from enforcement actions or its responsibility to comply with applicable regulations. This document shall not constitute a defense to a violation of the Act or any rule or regulation.

A CAAPP permit contains conditions identifying the applicable state and federal air pollution control requirements that apply to a source. The permit also establishes emission limits, appropriate compliance procedures, and specific operational flexibility. The appropriate compliance procedures may include monitoring, record keeping, and reporting to show compliance with these requirements. The Permittee must carry out these procedures on an on-going basis to demonstrate that the source is operating in accordance with the requirements of the permit. Further explanations of the specific provisions of the draft CAAPP permit are contained in the attachments to this document, which also identify the various emission units at the source.

The principal changes from the current version of this CAAPP permit are an elaboration of the applicable state rules, specifically 35 IAC 218 Subpart AA: Paint and Ink Manufacturing, Subpart DD: Aerosol Can Filling, and an elaboration of the non-applicable regulations of concern.

II. GENERAL SOURCE DESCRIPTION

a. Nature of source

The source is a manufacturer of consumer aerosol products. In addition, the source includes paint and chemical compounding operations, aerosol can filling lines and associated booster pumps, storage tanks, and boilers for steam production.

b. Ambient air quality status for the area

The source is located in an area that is currently designated nonattainment for the National Ambient Air Quality Standards for ozone (moderate nonattainment) and/or PM_{2.5} and attainment or unclassifiable for all other criteria pollutants (carbon monoxide, lead, nitrogen dioxide, PM₁₀, sulfur dioxide).

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c. Major source status

1. The source requires a CAAPP permit as a major source of volatile organic material (VOM) emissions.

d. Source Emissions

The following table lists annual emissions of criteria pollutants from this source, as reported in the Annual Emission Reports sent to the Illinois EPA.

Pollutant	Annual Emissions (tons)				
	2005	2004	2003	2002	2001
CO	0.55	0.65	0.61	0.60	0.67
NO _x	0.66	0.78	0.73	0.72	0.79
PM	0.05	0.05	0.05	0.01	0.06
SO ₂	0.00	0.00	0.00	0.00	0.00
VOM	8.64	19.75	9.85	13.32	11.92
Hexane (top HAP)	0.83	0.84	0.75	1.24	0.04

III. NEW SOURCE REVIEW/TITLE I CONDITIONS

This draft permit contains terms and conditions that address the applicability of permit programs for new and modified sources under Title I of the Clean Air Act (CAA) and regulations promulgated thereunder, including 40 CFR 52.21, Prevention of Significant Deterioration (PSD) and 35 IAC Part 203, Major Stationary Sources Construction and Modification. Any such terms and conditions are identified within the draft permit by T1, T1R, or T1N. Any conditions established in a construction permit pursuant to Title I and not revised or deleted in this draft permit, remain in effect pursuant to Title I provisions until such time that the Illinois EPA revises or deletes them. Where the source has requested that the Illinois EPA establish new conditions or revise such conditions in a Title I permit, those conditions are consistent with the information provided in the CAAPP application and will remain in effect pursuant to Title I provisions until such time that the Illinois EPA revises or deletes them.

This draft permit would not establish any new Title I requirements or revised Title I requirements.

IV. COMPLIANCE INFORMATION

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The source has certified compliance with all applicable rules and regulations; therefore, a compliance schedule is not required for this source. In addition, the draft permit requires the source to certify its compliance status on an annual basis.

V. PROPOSED ILLINOIS EPA ACTION / REQUEST FOR COMMENTS

It is the Illinois EPA's preliminary determination that this source's permit application meets the standards for issuance of a CAAPP permit. The Illinois EPA is therefore proposing to issue a CAAPP permit, subject to the conditions proposed in the draft permit.

Comments are requested by the Illinois EPA for the draft or proposed permit, pursuant to 35 IAC Part 252 and Sections 39.5(8) and (9) of the Illinois Environmental Protection Act. A final decision on the draft or proposed permit will not be made until the public, affected states, and USEPA have had an opportunity to comment. The Illinois EPA is not required to accept recommendations that are not based on applicable requirements. If substantial public interest is shown in this matter, the Illinois EPA will consider holding a public hearing in accordance with 35 IAC Part 166.

ATTACHMENT 1: Summary of Source-Wide Requirements

The following table indicates the source-wide emissions control programs and planning requirements that are applicable to this source. These programs are addressed in Sections 5 and 6 of the draft permit.

Program/Plan	Applicable
Emissions Reduction Market System (ERMS) ¹	x
Nitrogen Oxides (NO _x) Trading Program	-
Acid Rain Program	-
Compliance Assurance Monitoring (CAM) Plan	-
Fugitive Particulate Matter (PM) Operating Program	-
Risk Management Plan (RMP)	-
PM ₁₀ Contingency Measure Plan	-

1. The ERMS is a market-based program designed to reduce VOM emissions from stationary sources located in the Chicago ozone non-attainment area in order to contribute to reasonable further progress toward attainment (35 IAC Part 205). If applicable, this program is further described in Section 6.0 of the draft permit, including the Illinois EPA's determination of the source's baseline emissions and allotment of trading units under the ERMS.

ATTACHMENT 2: Summary of Requirements for Specific Emission Units

The following tables include information on the requirements that apply to significant emission units at this source. The requirements are found in Section 7 of the draft permit, which is further divided into subsection, i.e., Section 7.1, 7.2, etc., for the different categories of units at the source. A separate table is provided for each subsection in Section 7 of the draft permit. An explanation of acronyms and abbreviations is contained in Section 2 of the draft permit.

Table 1 (Section 7.1 of the draft permit)

Emission Unit		
Name	Aerosol Can Filling Lines	
Description	The Permittee operates six aerosol can filling lines that fill aerosol cans by either the through-the-valve method (TTV) or the enhanced under-the-cup (UTC) method with vapor recovery.	
Date Constructed	<u>Aerosol Can Filling Lines</u>	<u>Date Constructed</u>
	AFL-1	1966
	AFL-2	1966
	AFL-3	1973
	AFL-4	1988
	AFL-5	2000
	AFL-6	1989
Emission Control Equipment	<u>Aerosol Can Filling Lines</u>	<u>Emission Control Equipment</u>
	AFL-1	None
	AFL-2	None
	AFL-3	Vapor recovery unit VR-1
	AFL-4	Vapor recovery unit VR-1
	AFL-5	Vapor recovery unit VR-1
	AFL-6	Vapor recovery unit VR-1
Applicable Rules and Requirements		
Emission Standards	<ul style="list-style-type: none">35 IAC 218.301: Condition 7.1.3(b) Rule 218.301 is an allowable VOM limitation of 8 lb/hr, unless no odor nuisance exists it shall only apply to photchemically reactive material.35 IAC 218.686(a)(2)(A): Condition 7.1.5(b) Rule 218.686(a)(2)(A) is an allowed compliance alternative to Rule 218.686(a)(1) which requires an overall reduction in uncontrolled VOM emission of at least 81% from the aerosol can filling lines. The alternative required that all cans, other than trial runs of cans to verify product quality, are filled using through-the-valve fill or enhanced under-the-cup methods.	

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Emission Standards (Continued)	<ul style="list-style-type: none"> 35 IAC 218.686(b)(2): Condition 7.1.5(c) Rule 218.686(b)(2) is an allowed compliance alternative to Rule 218.686(b)(1) which requires an overall reduction in uncontrolled VOM emission of at least 81% from the propellant booster pumps. The alternative requires that the owner or operator of a propellant booster pump undertake various work practices to prevent leaks from a pump (e.g., changing seals every four (4) weeks and plungers every 16 weeks).
Streamlining	N/A
Title I Conditions	<ul style="list-style-type: none"> The draft permit contains limits on operation and emissions in Conditions 7.1.5 and 7.1.6. These limits were incorporated from Permits 92080005 and 00070077.
Non-applicability	<ul style="list-style-type: none"> 40 CFR Part 64, Compliance Assurance Monitoring (CAM): The affected aerosol can filling lines does not use an add-on control device to achieve compliance with an emission limitation or standard. Note: The aerosol can filling lines do utilize a vapor recovery unit (VR-1), however the vapor recovery unit's use is to reclaim material for re-use and cost reductions, not to achieve compliance with an emission limitation or standard. Compliance with 35 IAC 218.686 is inherent in the process of utilizing through-the-valve fill or enhanced under-the-cup fill methods as optionally provided by 35 IAC 218.686(a)(2)(A).
Periodic Monitoring (other than basic regulatory requirements)	
Testing	<ul style="list-style-type: none"> 35 IAC 218.688(a): Condition 7.1.7(a) Rule 218.688(a) states that the Agency may request a test to verify emission levels consistent with the methods and procedures specified in 35 IAC 218.105.
Emissions Monitoring	N/A
Operational Monitoring	N/A
Inspections	<ul style="list-style-type: none"> Periodic equipment inspections for good air pollution operating practices. Aerosol can filling line shall verify proper filling of cans with a VOM monitoring system in the gas house. This system may monitor VOM concentration as a percentage of the lower explosive limit, pursuant to 35 IAC 218.686(a)(2)(C). Work practices to prevent leaks from a pump. Work practices shall include changing seals every four (4) weeks and plungers every 16 weeks unless a pump monitoring procedure approved in a federally enforceable permit establishes otherwise, pursuant to 35 IAC 218.686(b)(2).

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Recordkeeping	<ul style="list-style-type: none"> • Total number of cans filled by the through-the-valve method and enhanced under-the-cup method, cans/mo and cans/yr, hours of operation, process weight rate, VOM and HAP emissions with supporting calculations based from the record keeping as required by this condition, tons/mo and tons/yr. • Other recordkeeping as required by 35 IAC 218.692 and found in detail in the Title 5 permit, condition 7.1.9(a). • Record of inspections, routine maintenance, and repair of defects to ensure good air pollution operating practices.
Other	The prior Title 5 permit indicated that filling lines 3 and 4 were under-the-cup (UTC) method filling, however the application appeared to detail that those lines were enhanced UTC. Edward Piszynski of Bridgeview Aerosol was contacted via email on June 29, 2006 for a clarification and confirmed that lines 3 and 4 are enhanced UTC.
Reporting	
Prompt Reporting	See attachment 3.
Other Reporting	N/A
Other Information	
Footnotes	N/A

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Table 2 (Section 7.2 of the draft permit)

Emission Unit	
Name	Compounding Process
Description	Paint and non-paint compounding are being performed in the mixing tanks. Chemical raw materials are mixed and blended to produce intermediates for aerosol and non-aerosol can filling.
Date Constructed	<p>Building 6:</p> <p>Mixing Tanks (K-01, K-02, K-01 1978 K-03, K-09 and K-10) K-02 1978 Sand Mill, K-03 1978 8 Drum Mixing Stations K-09 1981 4 Bin/Tank Mixing Stations K-10 1984 Drum Mixing 1978 Bin Mixing 1978</p> <p>Building 223:</p> <p>Mixing Tanks (K-12, K-13, K12-K15 1988 K-14, K-15, K-16, K-17, K-16 & K-17 1991 and K-18) K-18 1997 100 Gal. Tran. Tank Tran. Tank 1991</p>
Emission Control Equipment	<p>Building 6: Dust Collector (DC-1)</p> <p>Building 223: None</p>
Applicable Rules and Requirements	

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Emission Standards	<ul style="list-style-type: none"> • 35 IAC 212.123: Condition 7.1.3(b) Rule 212.123 is an opacity standard that is applicable to all emission units other than fuel combustion emission units (i.e., furnace, boiler, or similar equipment used for the primary purpose of producing heat or power by indirect heat transfer pursuant to 35 IAC 211.2470). • 35 IAC 212.301: Condition 7.1.3(c) Rule 212.301 is a fugitive particulate matter standard that is applicable to any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the source. This is an applicable rule, however it more practically applies to those emission units that generate particulate matter emissions. • 35 IAC 212.321: Condition 7.1.3(d) Rule 212.321 is a particulate matter (PM) standard that is applicable to all new (i.e., on or after April 14, 1972), process emission units (i.e., any stationary emission units other than fuel combustion emission units (e.g., boilers) or incinerators pursuant to 35 IAC 211.5190).
Emission Standards (Continued)	<ul style="list-style-type: none"> • 35 IAC 218.301: Condition 7.1.3(e) Rule 218.301 is basically applicable to any emission unit other than fuel combustion emission units (i.e., boilers, furnaces, etc.), and states that no person shall cause or allow the discharge of more than 8 lbs/hr of VOM. If no odor nuisance exists that limitation is only applicable to photochemically reactive material. <p>Note: Photochemically reactive material is defined in 35 IAC 211.4690.</p>
Streamlining	N/A
Title I Conditions	<ul style="list-style-type: none"> • The draft permit contains limits on operation and emissions in Conditions 7.1.5 and 7.1.6. These limits were incorporated from Permits 78010005, 92080005, 97040062, and 94060029.

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Non-applicability	<ul style="list-style-type: none"> • New Source Performance Standards (NSPS) for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry, 40 CFR Part 60, Subpart VV: Non-applicable because the affected compounding processes are by definition not a synthetic organic chemicals manufacturing industry that produces, as intermediates or final products, one or more of the chemicals listed in 40 CFR 60.489. • National Emission Standards For Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater, 40 CFR Part 63, Subpart G, or the NESHAP for Organic Hazardous Air Pollutants for Equipment Leaks, 40 CFR Part 63, Subpart H: Non-applicable because the affected the affected compounding processes are not an affected plant site at which the chemical manufacturing processing unit is located emits, and will continue to emit, during any 12-month period, less than 10 tons per year of any individual hazardous air pollutants (HAP), and less than 25 tons per year of any combination of HAP pursuant to 40 CFR 63.100(b)(4) of the NESHAP for the Synthetic Organic Chemical Manufacturing Industry, 40 CFR Part 63 Subpart F. • National Emission Standards For Hazardous Air Pollutants (NESHAP) for Miscellaneous Organic Chemical Manufacturing, 40 CFR Part 63, Subpart FFFF: Non-applicable because the affected compounding processes (miscellaneous organic chemical manufacturing process units (MCPU)) are not located at, or are part of, a major source of hazardous air pollutants (HAP) emissions as defined in section 112(a) of the Clean Air Act (CAA), pursuant to 40 CFR 63.2435(a).
Non-applicability (Continued)	<ul style="list-style-type: none"> • National Emission Standards for Organic Hazardous Air Pollutants (NESHAP) for Miscellaneous Coating Manufacturing, 40 CFR Part 63, Subpart HHHHH: Non-applicable because the affected compounding processes (miscellaneous coating manufacturing operations) are not located at, or are part of, a major source of hazardous air pollutants (HAP) emissions as defined in section 112(a) of the Clean Air Act (CAA), pursuant to 40 CFR 63.7985(a)(1). • 40 CFR Part 64, Compliance Assurance Monitoring (CAM): The affected compounding processes are not subject because the affected compounding processes do not use an add-on control device to achieve compliance with an emission limitation or standard.

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Periodic Monitoring (other than basic regulatory requirements)	
Testing	N/A
Emissions Monitoring	
Operational Monitoring	N/A
Inspections	<ul style="list-style-type: none"> • Periodic inspection of equipment for routine maintenance and the prompt repair of defects for the purposes of good operating practices. • Records of the weekly periodic inspections for pump leaks as required by 7.2.5(e). • Records of the monthly periodic inspections of the dust collector system as required by 7.2.5(a).
Recordkeeping	Record of the periodic inspection of equipment for routine maintenance and the prompt repair of defects for the purposes of good operating practices.
Other	N/A
Reporting	
Prompt Reporting	See attachment 3.
Other Reporting	N/A
Other Information	
Footnotes	N/A

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Table 3 (Section 7.3 of the draft permit)

Emission Unit	
Name	Storage Tank
Description	The Permittee utilizes a 10,500 gallon fixed roof aboveground storage tank to store methylene chloride (dichloromethane). A permanent submerged loading is used on this tank, minimizing turbulence and evaporation during loading.
Date Constructed	1998
Emission Control Equipment	Permanent submerged loading pipe
Applicable Rules and Requirements	
Emission Standards	<ul style="list-style-type: none"> 35 IAC 218.122(b): Condition 7.3.5(b) Rule 218.122(b) states that any stationary tank with a storage capacity greater than 250 gal, other than a pressure tank, must use a permanent submerged loading pipe or a recovery system. However, pursuant to 35 IAC 218.122(c), if no odor nuisance exists the limitations of 35 IAC 218.122(b) shall only apply to the loading of VOL with a vapor pressure of 17.24 kPa (2.5 psia) or greater at 294.3°K (70°F).
Streamlining	N/A
Title I Conditions	<ul style="list-style-type: none"> The draft permit contains limits on operation and emissions in Conditions 7.3.5 and 7.3.6. These limits were incorporated from Permit 95040014.
Non-applicability	<ul style="list-style-type: none"> New Source Performance Standards (NSPS) for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984, 40 CFR Part 60, Subpart Kb: Non-applicable because the affected storage tank does not have a capacity greater than or equal to 75 cubic meters (m3) (19812.9 gallons) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984, pursuant to 40 CFR 60.110b(a). National Emission Standards for Hazardous Air Pollutants (NESHAP) for Storage Vessels (Tanks), 40 CFR Part 63, Subpart WW, because the Subpart WW: Non-applicable because WW only applies to those owners and operators of facilities subject to a referencing subpart, pursuant to 40 CFR 63.1060.

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Non-applicability (Continued)	<ul style="list-style-type: none"> 40 CFR Part 64, Compliance Assurance Monitoring (CAM): Non-applicable because the affected storage tank uses a passive control measure, such as a seal, lid, or roof, that is not considered a control device because it acts to prevent the release of pollutants.
Periodic Monitoring (other than basic regulatory requirements)	
Testing	N/A
Emissions Monitoring	N/A
Operational Monitoring	N/A
Inspections	Periodic inspection of equipment for routine maintenance and the prompt repair of defects for the purposes of good operating practices.
Recordkeeping	<ul style="list-style-type: none"> Record of the periodic inspection of equipment for routine maintenance and the prompt repair of defects for the purposes of good operating practices. Design information for the storage tank showing the presence of a permanent submerged loading pipe. The throughput of each organic liquid through the affected storage tank, gal/mo and gal/year. VOM and HAP emissions from the storage tank, tons/mo and tons/yr, with supporting calculations based from the record keeping required by this condition, and an approved USEPA methodology, such as the most recent version of the TANKS program.
Other	N/A
Reporting	
Prompt Reporting	See attachment 3.
Other Reporting	N/A
Other Information	
Footnotes	N/A

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Table 4 (Section 7.4 of the draft permit)

Emission Unit	
Name	Boiler
Description	A 4.5 mmBtu/hr natural gas fired boiler used for the production of steam, hot water, and space heat.
Date Constructed	1997
Emission Control Equipment	None
Applicable Rules and Requirements	
Emission Standards	<ul style="list-style-type: none"> • 35 IAC 212.123: Condition 7.4.3(b) Rule 212.123 is an opacity standard that is applicable to all emission units other than fuel combustion emission units (i.e., furnace, boiler, or similar equipment used for the primary purpose of producing heat or power by indirect heat transfer pursuant to 35 IAC 211.2470). • 35 IAC 212.301: Condition 7.4.3(c) Rule 212.301 is a fugitive particulate matter standard that is applicable to any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the source. This is an applicable rule, however it more practically applies to those emission units that generate particulate matter emissions.
Streamlining	N/A
Title I Conditions	<ul style="list-style-type: none"> • The draft permit contains limits on operation and emissions in Conditions 7.4.5 and 7.4.6. These limits were incorporated from Permit 97040062.

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Non-applicability	<ul style="list-style-type: none"> • New Source Performance Standards (NSPS) for Small Industrial-Commercial-Institutional Steam Generating Units, 40 CFR Part 60, Subpart Dc: Non-applicable because the affected boiler does not have a maximum design heat input capacity of 29 megawatts (MW) (100 million Btu per hour (Btu/hr)) or less, but greater than or equal to 2.9 MW (10 million Btu/hr), pursuant to 40 CFR 60.40c(a). • National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boilers and Process Heaters 40 CFR Part 63, Subpart DDDDD: Non-applicable because the affected boiler is not located at, or is part of, a major source of HAP as defined in 40 CFR 63.2, provided below, pursuant to 40 CFR 63.7485.
Non-applicability (Continued)	<ul style="list-style-type: none"> • 35 IAC 216.121: Non-applicable because the affected boiler does not have an actual heat input greater than 2.9 MW (10 mmBtu/hr). • 35 IAC 217.121: Non-applicable because the affected boiler does not have an actual heat input equal to or greater than 73.2 MW (250 mmBtu/hr). • 35 IAC 218.301: Non-applicable because pursuant to 35 IAC 218.303 the provisions of 35 IAC 218.301 shall not apply to fuel combustion emission units. • 40 CFR Part 64, Compliance Assurance Monitoring (CAM): Non-applicable because the affected boiler does not use an add-on control device to achieve compliance with an emission limitation or standard.
Periodic Monitoring (other than basic regulatory requirements)	
Testing	N/A
Emissions Monitoring	N/A
Operational Monitoring	N/A
Inspections	Periodic inspection of equipment for routine maintenance and the prompt repair of defects for the purposes of good operating practices.

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Recordkeeping	<ul style="list-style-type: none"> • Record of the periodic inspection of equipment for routine maintenance and the prompt repair of defects for the purposes of good operating practices. • Fuel usage and emissions.
Other	
Reporting	
Prompt Reporting	See attachment 3.
Other Reporting	N/A
Other Information	
Footnotes	N/A

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ATTACHMENT 3: Prompt Reporting of Deviations

Prompt reporting of deviations is critical in order to have timely notice of deviations and the opportunity to respond, if necessary. The effectiveness of the permit depends upon, among other important elements, timely and accurate reporting. The Illinois EPA, USEPA and the public rely on timely and accurate reports submitted by the permittee to measure compliance and to direct investigation and follow-up activities. Prompt reporting is evidence of a permittee's good faith in disclosing deviations and describing the steps taken to return to compliance and prevent similar incidents.

Any occurrence that results in an excursion from any emission limitation, operating condition, or work practice standard as specified in this CAAPP permit is a deviation subject to prompt reporting. Additionally, any failure to comply with any permit term or condition is a deviation of that permit term or condition and must be reported to the Illinois EPA as a permit deviation. The deviation may or may not be a violation of an emission limitation or standard. A permit deviation can exist even though other indicators of compliance suggest that no emissions violation or exceedance has occurred. Reporting permit deviations does not necessarily result in enforcement action. The Illinois EPA has the discretion to take enforcement action for permit deviations that may or may not constitute an emission limitation or standard or the like, as necessary and appropriate.

Section 39.5(7)(f)(ii) of the Illinois Environmental Protection Act, which mirrors 40 CFR 70.6(a)(3)(iii)(B), requires prompt reporting of deviations from the permit requirements. The permitting authority (in this case, Illinois EPA) has the discretion to define "prompt" in relation to the degree and type of deviation likely to occur. Furthermore, Section 39.5(7)(f)(i) of the Illinois Environmental Protection Act, which mirrors 40 CFR 70.6(a)(3)(iii)(A) requires that monitoring reports must be submitted at least every 6 months. Therefore, USEPA generally considers anything less than 6 months to be "prompt" as long as the selected time frame is justified appropriately (60 Fed. Reg. 36083, 36086 (July 13, 1995)).

The USEPA has stated that, for purposes of administrative efficiency and clarity, it is acceptable to define prompt in each individual permit. *Id.* The Illinois EPA has elected to follow this approach and defines prompt reporting on a permit by permit basis. In instances where the underlying applicable requirement contains "prompt" reporting, this frequency or a shorter frequency of reporting is the required timeframe used in this permit. Where the underlying applicable requirement fails to explicitly set forth the timeframe for reporting deviations, the Illinois EPA has developed a structured manner to determine the reporting approach used in this permit.

The Illinois EPA generally uses a time frame of 30 days to define prompt reporting of most deviations. Also, for certain permit conditions in individual permits, the Illinois EPA may require an alternate timeframe that is less than 30 days if the permit requirement justifies a shorter reporting time period. Under certain circumstances, EPA may establish a deviation reporting period longer than 30 days, but, in no event exceeding

6 months. Where it has established a deviation reporting period other than 30 days in an individual permit (specifically Section 7.x.10), the Illinois EPA has explained the reason for the alternative timeframe. (See Attachment 2 of this Project Summary.)

The timing for certain deviation reporting may be different when a source or emission unit at a source warrants reporting to address operation, independent of the occurrence of any deviations. This is the case for a source that is required to perform continuous monitoring for the emission unit, for which quarterly or semi-annual “monitoring” reports are appropriate. Where appropriate, reporting of deviations has generally been combined in, or coordinated with these quarterly or semi-annual reports, so that the overall performance of the plant can be reviewed in a comprehensive fashion. This will allow a more effective and efficient review of the overall performance of the source by the Illinois EPA and other interested parties, as well as by the source itself.

At the same time, there are certain deviations for which quicker reporting is appropriate. These are deviations for which individual attention or concern may be warranted by the Illinois EPA, USEPA, and other interested parties. Under this scenario, emphasis has been placed primarily on deviations that could represent substantial violations of applicable emission standards or lapses in control measures at the source. For these purposes, depending on the deviation, immediate notification may be required and preceded by a follow-up report submitted within 15 days, during which time the source may further assess the deviation and prepare its detailed plan of corrective action.

In determining the timeframe for prompt reporting, the Illinois EPA assesses a variety of criteria such as:

- historical ability to remain in continued compliance,
- level of public interest in a specific pollutant and/or source,
- seriousness of the deviation and potential to cause harm,
- importance of applicable requirement to achieving environmental goals,
- designation of the area (i.e., non-attainment or attainment),
- consistency among industry type and category,
- frequency of required continuous monitoring reports (i.e., quarterly),
- type of monitoring (inspection, emissions, operational, etc.), and
- air pollution control device type and operation

These prompt reporting decisions reflect the Illinois EPA’s consideration of the possible nature of deviations by different emission units and the responses that might be required or taken for those different types of deviations. As a consequence, the conditions for different emission units may identify types of deviations which include but are not limited to: 1) Immediate (or very quick) notification; 2) Notification within 30 days as the standard; or 3) Notification with regular quarterly or semi-annual monitoring reports.

The Illinois EPA’s decision to use the above stated prompt reporting approach for deviations as it pertains to establishing a shorter timeframe in certain circumstances reflects the criteria discussed as well as USEPA guidance on the topic.

(This Project Summary generally describes the source and explains the draft permit. This document has been prepared pursuant to Section 39.5(8)(b) of the Illinois Environmental Protection Act, which requires “a statement that sets forth the legal and factual basis for the draft CAAPP permit conditions.”)

- 40 CFR 71.6(a)(3)(iii)(B) specifies that certain potentially serious deviations must be reported within 24 or 48 hours, but provides for semi-annual reporting of other deviations. (Serious or severe consequences)
- FR Vol. 60, No. 134, July 13, 1995, pg. 36086 states that prompt should generally be defined as requiring reporting within two to ten days of the deviation, but longer time periods may be acceptable for a source with a low level of excess emissions. (intermediate consequences)
- Policy Statement typically referred to as the “Audit Policy” published by the USEPA defines prompt disclosure to be within 21 days of discovery. (Standard for most “pollutant limiting” related conditions)
- Responses to various States by USEPA regarding other States’ definition of prompt.

As a result, the Illinois EPA’s approach to prompt reporting for deviations as discussed herein is consistent with the requirements of 39.5(7)(f)(ii) of the Act as well as 40 CFR part 70 and the CAA. This reporting arrangement is designed so that the source will appropriately notify the Illinois EPA of those events that might warrant individual attention. The timing for these event-specific notifications is necessary and appropriate as it gives the source enough time to conduct a thorough investigation into the causes of an event, collecting any necessary data, and to develop preventative measures, to reduce the likelihood of similar events, all of which must be addressed in the notification for the deviation.

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